

In the instant case, plaintiff alleges that his civil rights were violated when Dr. Fuentes and his caseworker at the City Justice Center, Officer Dahm, ignored his pleas not to be placed in

general population when he had a cast on his leg. He claims that it was the usual policy to place inmates who were in casts, on crutches or in wheelchairs in the infirmary, but defendants failed to follow the policy, asserting a failure to protect claim against defendants. He asserts that he told defendants he would be attacked if he went to general population with his injury as a result of a prior attack, but Dr. Fuentes told him, “People who write grievances get attacked. Welcome to the Justice Center.” Plaintiff asserts that Dr. Fuentes acted in retaliation.

Rule 42(a) of the Federal Rules of Civil Procedure provides, in relevant part, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.”<sup>1</sup> “Whether to consolidate actions under Rule 42(a) is vested in the court’s discretion,” and “the district court can consolidate actions sua sponte.” *Bendzak v. Midland Nat. Life Ins. Co.*, 240 F.R.D. 449, 450 (S.D. Iowa 2007) (internal citations omitted). Here, while plaintiff names different defendants in the different complaints, each complaint alleges civil rights violations based upon common questions of both law and fact against the same or similar defendants.

The Court believes that consolidation would serve the interests of justice and avoid unnecessary costs and promote judicial efficiency. If consolidation should occur, the cases would be consolidated into the lowest case number pursuant to Local Rule 4.03.

However, before entering a consolidation order, the Court will allow the parties an opportunity to show cause why consolidation should not occur. The parties shall have twenty-one (21) days to show cause why *Headrick v. Glass*, No. 4:18-CV-1696 CDP (E.D.Mo.) should not be consolidated into the instant action.

Accordingly,

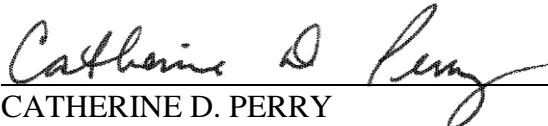
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<sup>1</sup>The Court notes that Dr. Fe Fuentes has been served in *Headrick v. Glass*, No. 4:18-CV-1696 CDP (E.D.Mo.). However, the Court has not yet attained service through the waiver agreement it maintains with Corizon in the instant action.

**IT IS HEREBY ORDERED** that the parties shall have twenty-one (21) days to show cause why *Headrick v. Glass*, No. 4:18-CV-1696 CDP (E.D.Mo.) should not be consolidated into the instant action.

**IT IS FURTHER ORDERED** that this Memorandum and Order shall be filed in both the instant action and in *Headrick v. Glass*, No. 4:18-CV-1696 CDP (E.D.Mo.).

Dated this 11th day of June, 2019.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE